

**Schwei, Daniel S. (CIV)**

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**From:** Colmenero, Angela <angela.colmenero@texasattorneygeneral.gov>  
**Sent:** Thursday, June 04, 2015 12:40 PM  
**To:** Schwei, Daniel S. (CIV)  
**Cc:** Ricketts, Jennifer D (CIV); Keller, Scott; Barker, Cam  
**Subject:** RE: Texas v US: Summary of Yesterday's Call

Daniel,

Thank you for the email yesterday. We appreciated the opportunity to talk with you on Tuesday. The summary below reflects what we discussed and captures what Defendants agreed to look into, but we wish to make one clarification with respect to your comments regarding Plaintiffs' next steps. You asked the Plaintiff States to identify other databases and/or benefits used by state agencies that could be implicated by the issuance of 3-year work authorizations. We explained that we do not intend to conduct such a survey at this time because we believe that a phased examination of any responsive material Defendants provide would allow us to determine whether additional information is necessary, and to the extent to which remediation of Defendants' injunction violation is both practical and possible given the various resource constraints faced by the various Plaintiff States. We hope this clarification helps you better understand our position.

If you have any questions, please don't hesitate to contact me. We look forward to speaking with you again.

Thanks,  
Angela

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**From:** Schwei, Daniel S. (CIV) [<mailto:Daniel.S.Schwei@usdoj.gov>]  
**Sent:** Wednesday, June 03, 2015 11:09 AM  
**To:** Colmenero, Angela  
**Cc:** Ricketts, Jennifer D (CIV)  
**Subject:** Texas v US: Summary of Yesterday's Call

Angela,

Thanks again for the productive conversation yesterday afternoon. Following up on that conversation, I thought it would be useful to summarize where things stand.

In terms of next steps on my end, we are going to discuss with our clients whether there is any information that could voluntarily be provided based on your requests for information on pages 8-9 of your May 20 filing (ECF No. 261). Based on yesterday's conversation, your requested information falls into two general categories:

1. More information about the 3-year authorizations issued to the approximately 2000 individuals, potentially in the form of a spreadsheet. You would like to know how many of those approximately 2000 individuals reside in the Plaintiff States. For those individuals residing in the Plaintiff States, you would also like to know when their 3-year authorization was issued; whether they have been asked to return their 3-year authorization; whether the 3-year authorization has in fact been returned; and if so, when the 3-year authorization was returned.
2. Any information that can be provided from the SAVE system, specifically relating to the approximately 2000 individuals' past or present ability to obtain a three-year driver's license (instead of a two-year license).

To the extent any of the above information would involve the provision of personally identifiable information, you are amenable to further discussions on that issue, including the possibility of providing redacted (or some other type of anonymized) information about the individuals.

In terms of next steps on your end, we suggested that you identify any other databases and/or state benefits that, in your view, could be implicated by the issuance of 3-year work authorizations. By identifying those databases and/or benefits, that would allow us to explore whether we can provide information more directly relevant to your concerns—*i.e.*, the potential for an individual to have used in the past, or to use in the future, a 3-year authorization to obtain some benefit for three years instead of two years. (In our view, providing a list of returned 3-year authorizations would not accurately depict whether any 3-year authorizations may be used, or have been used, to obtain any benefits.) For purposes of this exchange of information, however, we understand your position to be that Plaintiffs do not intend, at least at this time, to identify any other specific databases or benefits beyond SAVE and driver's licenses.

Finally, we mutually agreed that nothing in our conversation should be construed as a substantive concession by the other party—*e.g.*, as a concession by you that your alleged harms can be fully remediated, or as a concession by us that your alleged harms exist or constitute irreparable harm.

As discussed, I will be in touch once I have talked to my clients about the information set forth above. In the meantime, please do not hesitate to contact me if you have any questions or would like to further discuss.

Thanks again for a productive conversation yesterday.

Best,  
Daniel

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